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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,902	07/09/2003	Yoshihisa Ogata	15-039	8442
23400	7590	02/21/2006	EXAMINER	
POSZ LAW GROUP, PLC 12040 SOUTH LAKES DRIVE SUITE 101 RESTON, VA 20191			DUNN, DAVID R	
			ART UNIT	PAPER NUMBER
			3616	

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/614,902

Applicant(s)

OGATA ET AL.

Examiner

David Dunn

Art Unit

3616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 3-5 and 8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6,7 and 9-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This Office Action is responsive to the amendment filed December 9, 2005.

Claims 3-5 and 8 remain withdrawn as being drawn to a nonelected species.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 11, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Palmertz et al. (6,363,306).

Palmertz et al. discloses a system for activating a passenger-protecting device comprising: an angular velocity sensor (1, 7; see column 10, lines 26-30) for detecting rolling angular velocity of the vehicle; calculating means for calculating a difference between two angular velocities detected in a predetermined time interval (see column 10, lines 15-20; the acceleration is inherently calculated by calculating a difference between two angular velocities in a predetermined time interval; i.e., change in angular velocity over change in time); determining means for determining that the vehicle is rolling over when the difference between two angular velocities exceeds a predetermined value (see column 10, lines 58-67); the determining being made solely based on the difference between the two angular velocities (see steps 16, 17, 18 in Figure 2, “yes” determination made solely based on the angular velocities); and means for

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activating the protecting device when either first or second means determines that the vehicle is rolling over (13). The protecting device is a seatbelt tightener or airbag (see column 10, lines 20-25).

Palmertz et al. also shows calculating means (block 11 in Figure 2; see also column 10, lines 30-35) for calculating a rolling angle of the vehicle based on the angular velocity detecting by the angular velocity sensor; second determining means for determining that the vehicle is rolling over based on the calculated rolling angle (blocks 14 & 15; see column 10, lines 4-56),

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 2, 9, 10, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palmertz et al. alone.

Palmertz et al. as noted above shows the first calculating means being based on the rolling angle (see step 12; Figure 2) and the second being the difference in rolling angular velocity values (steps 16-18). Palmertz et al. does not show the first determining means being the difference in rolling angular velocities and the second being based on the rolling angle.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Palmertz et al. in order to make the first determination being the difference

in rolling angular velocities and the second being based on the rolling angle as it appears the determination to activate the protective device would operate equally well in either order.

Regarding claims 9, 10, and 12, it would have been obvious to one of ordinary skill in the art at the time the invention was made to calculate the difference in angular velocities in a time range of 25 to 100 milliseconds in order to accurately calculate the change of rolling angles in such an incident; additionally, it is noted that applicant does not provide any particular reason for this range or that the range solves any stated problem.

5. Claims 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Palmertz et al. in view of Schiffmann (6,038,495).

Palmertz et al. is discussed above but does not disclose the type of airbag or a pretensioner.

Schiffmann teaches a rollover sensing means to control side air bags or pretensioners (see column 1, lines 15-20).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Palmertz et al. with the teachings of Schiffmann to provide a pretensioner as the protection device in order to better protect the occupants during a rollover.

Response to Arguments

6. Applicant's arguments filed December 9, 2005 have been fully considered but they are not persuasive.

On pages 8-9, Applicant argues that Palmertz does not disclose the determination "made solely based on the difference between the two angular velocities". As noted in the rejection

above as shown in Figure 2, in steps 16-18, the determination to activate the protective device is made solely based on the difference between angular velocities. While the determination can be made at other times using different criteria, once step 16 is reached in the flowchart, upon a "yes" condition, the difference in angular velocities is the only determination used.

Applicant's arguments regarding claim 2 are now moot as this claim is rejected under section 103 as being obvious in view of Palmertz.

Conclusion

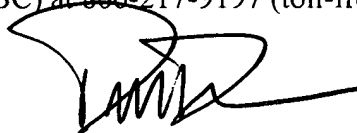
7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Dunn whose telephone number is 571-272-6670. The examiner can normally be reached on Mon-Fri, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



David Dunn
Primary Examiner
Art Unit 3616